

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

XL CAPITAL Plaintiff,
ASSURANCE INC.,

- against -

INDYMAC BANK, Defendant.
F.S.B.,

8 cv 5842 (JK)

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

AUG 14 2008

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Joshua B. Selig a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Daniel J. Dunne
Firm Name: Heller Ehrman LLP
Address: 701 Fifth Avenue, Suite 6100
City/State/Zip: Seattle, WA 98104
Phone Number: (206) 447-0900
Fax Number: (206) 447-0849

Daniel J. Dunne is a member in good standing of the Bar of the States of Washington

There are no pending disciplinary proceeding against Daniel J. Dunne in any State or Federal court.

Dated:

City, State: Seattle, Washington

Respectfully submitted,

Sponsor's Joshua B. Selig
SDNY Bar JS-1271

Firm Name: Heller Ehrman LLP
Address: 701 Fifth Avenue, Suite 6100
City/State/Zip: Seattle, WA 98104
Phone Number: (206) 447-0900
Fax Number: (206) 447-0849

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XL CAPITAL ASSURANCE INC.,

Plaintiff,

v.

INDYMAC BANK, F.S.B.,

Defendant.

No. 08 CV 5842 (JGK)

AFFIDAVIT OF JOSHUA B.
SELIG IN SUPPORT OF
MOTION TO ADMIT COUNSEL
PRO HAC VICE

State of Washington)
) ss:
County of King)

Joshua B. Selig, being duly sworn, hereby deposes and says as follows:

1. I am an attorney with the law firm of Heller Ehrman LLP, counsel for Defendant in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Daniel J. Dunne as counsel *pro hac vice* to represent Defendant in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on April 19, 2006. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Daniel J. Dunne since July 2007.

4. Mr. Dunne is an attorney with the law firm of Heller Ehrman LLP, in Seattle, Washington. Mr. Dunne is admitted to the bar of the State of Washington. A certificate of Mr. Dunne's good standing, issued within the last 30 days, is attached hereto as Exhibit A.

5. Mr. Dunne is a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move for the admission of Daniel J. Dunne, *pro hac vice*.

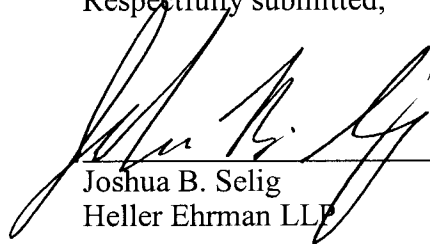
7. I respectfully submit a proposed order granting the admission of Daniel J. Dunne, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Daniel J. Dunne, *pro hac vice*, to represent Defendant in the above captioned matter, be granted.

Dated: 7/30/08

City, State: Seattle, Washington

Respectfully submitted,



Joshua B. Selig
Heller Ehrman LLP

SDNY Bar Code: JS-1271

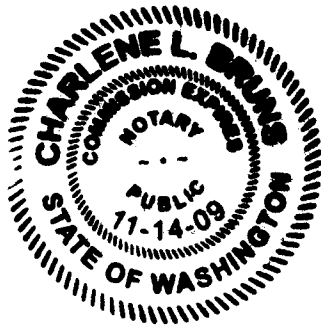
STATE OF WASHINGTON

COUNTY OF KING

)
) ss.
)

On this day personally appeared before me Joshua B. Selig, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 30th day of July, 2008.



Charlene L. Bruns
Print name: Charlene L. Bruns
NOTARY PUBLIC in and for the State of
Washington, residing at Bromerton
My appointment expires 11-14-09

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7/30/08 3:58 PM (38773.0704)

EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

IN THE MATTER OF THE ADMISSION
OF
DANIEL J. DUNNE JR.
TO PRACTICE IN THE COURTS OF THIS STATE

BAR NO. 16999

**CERTIFICATE OF GOOD
STANDING**

I, Ronald R. Carpenter, Clerk of the Supreme Court of the State of Washington, hereby certify

DANIEL J. DUNNE JR.

was regularly admitted to practice as an Attorney and Counselor at Law in the Supreme Court and all the Courts of the State of Washington on June 10, 1987, and is now and has continuously since that date been an attorney in good standing, and has a current status of active.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 28th day of July, 2008.



Ronald R. Carpenter
Supreme Court Clerk
Washington State Supreme Court

EXHIBIT B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

XL CAPITAL ASSURANCE Plaintiff,
INC.,

8 cv 5842 (JK)

- against -

INDYMAC BANK, F.S.B., Defendant.

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Joshua B. Selig attorney for INDYMAC BANK, F.S.B.
and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: Daniel J. Dunne
Firm Name: Heller Ehrman LLP
Address: 701 Fifth Avenue, Suite 6100
City/State/Zip: Seattle, WA 98104
Telephone/Fax: (206) 447-0900
Email Address: daniel.dunne@hellerehrman.com

is admitted to practice pro hac vice as counsel for INDYMAC BANK, F.S.B. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:
City, State:

United States District/Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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XL CAPITAL ASSURANCE INC.,

Plaintiff,

Civil Action No. 08-5842 (JK)

v.

INDYMAC BANK, F.S.B.,

AFFIDAVIT OF SERVICE

Defendant.

-----X

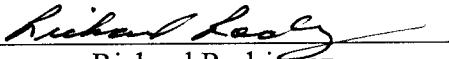
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Richard Rodriguez, being duly sworn, deposes and says:

1. I am employed by the law firm of Heller Ehrman LLP, and over the age of eighteen years of age and not a party to this action.
2. On August 14, 2008, I served a copy of MOTION TO ADMIT DANIEL J. DUNNE PRO HAC VICE upon the following parties by first class mail, postage fully prepaid, by depositing same in an official depository of the United States Mail:

Attn: Tyler P. Brown, Esq.
Edward L. Douman, Esq
Hunton & Williams LLP
Riverfront Paza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074

Attn: Peter S. Partee, Esq.
Scott H. Bernstein, Esq.
Hunton & Williams LLP
200 Park Avenue, 53rd Floor
New York, New York 10166-0136


Richard Rodriguez

Sworn to before me this
14th day of August, 2008


Notary Public

SUZANNE CHALPIN ALENICK
Notary Public, State of New York
No. 31-4920942
Qualified in New York County
Commission Expires 11/25/2010